

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17****Reclassification of the American Alligator in Louisiana**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service reclassifies the American alligator (*Alligator mississippiensis*) in 52 parishes in Louisiana, where the species is now classified as Endangered or Threatened, to the status of Threatened under the Similarity of Appearance provisions of the Endangered Species Act of 1973, as amended. Alligators in the other 12 Louisiana parishes are already classified as Threatened due to Similarity of Appearance by actions which took place in 1975 and 1979. This change is based on evidence that the species is no longer Endangered or Threatened in the subject area, having recovered from the former low numbers in response to curtailment of excessive harvest as a result of effective enforcement of laws and regulations by the State of Louisiana and the Service. This action is a formal recognition by the Service of biological recovery of the alligator in Louisiana. The State now has an option to institute harvest of alligators on a statewide basis in accordance with the Service's special rule on Threatened alligators and existing State laws. Minor clarifications of the boundary between Endangered and Threatened alligators in South Carolina and Georgia are also being made.

DATES: This rule becomes effective immediately.

ADDRESSES: Questions concerning this action may be addressed to the Area Manager, Jackson Area Office, U.S. Fish and Wildlife Service, 200 East Pascagoula Street, Suite 300, Jackson, Mississippi 39201. Comments and materials relating to this rule will be available for public inspection during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Dennis B. Jordan, Assistant Area Manager, Endangered Species, Jackson Area Office, U.S. Fish and Wildlife Service, Jackson, Mississippi 39201, telephone FTS 490-4900 or commercial 601/960-4900.

SUPPLEMENTARY INFORMATION:**Background**

The American alligator (*Alligator*

mississippiensis) occurs in varying densities in wetland habitats throughout the Southeast including all or parts of the following States: Alabama, Arkansas, Georgia, Florida, Louisiana, Mississippi, Oklahoma, North Carolina, South Carolina, and Texas.

The alligator was first classified as Endangered throughout its range in 1967 due to a reduction in its numbers from hunting and poaching. Subsequently, in response to strict Federal and State protection, the alligator recovered rapidly in many parts of its range enabling the Service to undertake the following reclassification actions: (1) reclassification to Threatened due to Similarity of Appearance in three coastal parishes of Louisiana reflecting complete recovery, (September 26, 1975—40 FR 44412); (2) reclassification to Threatened, reflecting partial recovery, in all of Florida and certain coastal areas in South Carolina, Georgia, Louisiana, and Texas (January 10, 1977—42 FR 2071); (3) reclassification to Threatened due to Similarity of Appearance, again reflecting complete recovery, in nine additional parishes of Louisiana (June 25, 1979—44 FR 37130). The latter reclassification was based on a July 30, 1976, petition from Governor Edwin Edwards of Louisiana and subsequent supporting data submitted by the State on April 12, 1977; December 7, 1977; and June 14, 1978. The details of these data may be obtained by consulting the proposed rule of October 2, 1978 (43 FR 45513) and the June 25, 1979, final rule cited above.

The parishes now included under the Threatened due to Similarity of Appearance status include: Cameron, Calcasieu, and Vermilion reclassified in 1975, and St. Mary, Terrebonne, Iberia, Lafourche, St. Charles, Jefferson, Plaquemines, St. Bernard, and St. Tammany reclassified in 1979. In a notice of October 2, 1978 (43 FR 45512), and in the June 25, 1979, final rule cited above, the Service stated that it would continue to review the status of the alligator in the remaining parishes of Louisiana. Alligators in these remaining parishes were classified as either Endangered or Threatened, the Endangered and Threatened populations being separated by a dividing line prescribed in the Service's special rule on Threatened alligators, 50 CFR 17.42(a)(1), as follows:

From the Mississippi-Louisiana border at the Gulf of Mexico north along this border to its junction with U.S. Interstate Highway 10; thence west on U.S. Highway 10 to junction with U.S. Interstate Highway 12; thence west of U.S. Highway 12 to Baton Rouge, Louisiana; thence north and west along

corporate limits of Baton Rouge to U.S. Highway 190; thence west on U.S. Highway 190 to junction with Louisiana State Highway 12 at Ragley, Louisiana; thence west on Louisiana State Highway 12 to the Beauregard-Calcasieu Parish border, thence north and west along this border to the Texas-Louisiana State border.

In June 1979, the Service's Jackson, Mississippi, Area Office contracted with Dr. R. H. Chabreck of Louisiana State University to compile a status review of existing scientific and commercial data on the species in Louisiana. Chabreck's report recommends reclassification of the alligator throughout the State of Louisiana in view of current protection, numbers of alligators, and an abundance of alligator habitat. Chabreck's report also states that his original 1965 estimate of 35,000-40,000 animals within the State was extremely conservative, and that "a more realistic estimate of the 1966 statewide population would be about 100,000 animals."

To further enhance understanding of alligator population biology, in June 1980 the Service began working with Dave Taylor, Wildlife Biologist with the Louisiana Department of Wildlife and Fisheries, who prepared an additional report which outlines a new alligator population analysis concentrating on the central and northern portions of the State. This report and a previous one prepared in 1978 provide a biological analysis of alligator populations in non-marsh habitats (Taylor, 1978 and Taylor, 1980). Most importantly, Taylor's 1980 report provides evidence that alligator population structure is stable, being limited by the support capability of the habitat, and that no further significant increases in alligator numbers can be expected. Furthermore, as discussed later in this rule, alligator habitat within the State is abundant and relatively secure. The Service believes that these data support the conclusion that alligators throughout the State of Louisiana are no longer Endangered or Threatened, and that their status should be changed.

However, because of similarity of appearance, it is still necessary to impose some restrictions on commercial activities involving specimens taken in this State to insure the conservation of other alligator populations as well as other crocodilians that are Threatened or Endangered.

Section 4(e) of the Act authorized the treatment of a species (or subspecies or group of wildlife in common spatial arrangement) as an Endangered or Threatened species even though it is not

otherwise listed as Endangered or Threatened, if it is found: (a) that the species so closely resembles in appearance an Endangered or Threatened species that enforcement personnel would have substantial difficulty in differentiating between listed and unlisted species; (b) that the effect of this substantial difficulty is an additional threat to the Endangered or Threatened species; and (c) that such treatment of an unlisted species will substantially facilitate the enforcement and further the policy of the Act.

The Service currently treats the group of American alligators found in the 12 parishes cited above as Threatened because of their similarity of appearance to other groups of American alligators, as well as other crocodilians, that are listed as Threatened or Endangered. Certain restrictions are imposed on commercial activities involving specimens taken from these parishes, as is discussed below, to insure the conservation of these Endangered or Threatened alligators and other crocodilians. The Service now will treat the group of American alligators found in the remaining parishes as Threatened because of similarity of appearance, and impose similar restrictions on commercial activities involving specimens taken from those parishes.

Review of the boundary between Endangered and Threatened alligators in South Carolina contained in 50 CFR 17.42(a), the American alligator special rule, has revealed a minor 2-mile gap near Walterboro, South Carolina. The Service is closing this gap by inserting a 2-mile stretch of State Highway 63 into the boundary, and adding phrases indicating where the boundary crosses from South Carolina into Georgia on U.S. Interstate Highway 95.

Summary of Comments and Recommendations

In the May 1, 1981, *Federal Register*, proposed rule (46 FR 24607), associated notifications, and news releases, all interested parties were requested to submit comments or suggestions concerning any aspect of the proposed action. Letters soliciting comments and suggestions on the proposed rule were sent to Governors and State Conservation Departments in all States within the historic range of *Alligator mississippiensis*, as well as to various conservation and environmental organizations and local parish boards within the State of Louisiana. All comments received during the period May 1, 1981, through June 30, 1981, are summarized below.

The Governor of Louisiana commented that he concurred with the proposed action. He noted that this action would provide the option for expanding State alligator management to additional areas of Louisiana and that due to the urgent need for such management, the additional 30 day comment period for the Governor would be waived.

The Governor of Arkansas commented that after conference with the Arkansas Game and Fish Commission, he supported the proposed action. He noted further that he did not believe increased volume of alligator exports would be detrimental to the survival of the alligator or other crocodilians.

The Executive Director of the Florida Game and Fresh Water Fish Commission indicated that he supported the proposal. The Director of the Game and Fish Division, Georgia Department of Natural Resources commented that the Service should formally recognize the biological recovery of the alligator in Louisiana.

The St. James Parish Council and the St. Mary Parish Police Jury in Louisiana commented that the rules and regulations set by the Fish and Wildlife Service were acceptable. The latter also recommended that the legal size of alligators (for harvest) be increased from 4 feet to 5 feet and predicted that illegal killing of alligators strictly for meat will cause grave consequences to the alligator population in future years. Service response: The Louisiana Department of Wildlife and Fisheries established size and take limitations. The views pertaining to illegal take strictly for meat are noted. However, the Service believes that existing rules and regulations enforced by the State and Service are sufficient to control all but insignificant levels of illegal activity, and that these levels will not adversely affect population strength.

Dr. Robert A. Thomas, on behalf of the Environmental Quality Committee of the American Society of Ichthyologists and Herpetologists, endorsed the proposal with the understanding that the Louisiana Department of Wildlife and Fisheries and U.S. Fish and Wildlife Service closely monitor the status of the alligator and react promptly to any adverse change in population size and/or structure. Service Response: Monitoring of alligator populations and size class structures is an essential part of the management program of the Louisiana Department of Wildlife and Fisheries. The Service will continue to work closely with the State of Louisiana on this species.

The Chairman of the ICUN/SSC Crocodile Specialist Group, Dr. Howard W. Campbell, commented that alligator populations in Louisiana appear to be in healthy condition and that he suspected that reclassification would not result in any negative effects. Dr. Campbell further stated: "My only reservation is with regard to the relative abundance of the alligator in the areas proposed (for delisting) as compared to areas not included in the proposal. There are many areas in Florida and some in Georgia and Texas which have fully as many 'gators and many of these areas have quite a few more 'gators than do these Louisiana areas. It strikes me as quite inconsistent and not at all to the Service's credit to see the alligator with such a hodge-podge of status areas which bear so little resemblance to the actual abundance of the species in the various areas. I would recommend that the Service cease dealing with the 'gator in this crazy-quilt fashion and prepare a rangewide reclassification that recognizes the actual data available." Service response: The Service has considered Dr. Campbell's recommendation. The Service emphasizes, however, that in addition to the current biological status of alligator populations, consideration must be given to habitat trends and the existence of sufficient regulatory mechanisms to ensure perpetuation of the species in healthy numbers. The status of the alligator in Louisiana was evaluated in terms of all these factors and these factors must be considered during any future status assessments.

The Alligator Recovery Team indicated that the team is in agreement with the proposed change.

A private citizen from Carencro, Louisiana, commented that no new areas of Louisiana should be opened to alligator hunting and that those areas now opened should be closed. He made several further points: (1) that hunting of alligator is extremely cruel and totally unnecessary; (2) wetlands are damaged by hunters and poachers who are merely supplying a luxury item to a wealthy few for personal gain; and (3) as far as its protected status is concerned, it is not necessary to kill an animal in order to protect it. Service response: The Service proposal will make available to Louisiana the option for expanded harvests. The decision to do so rests with the State of Louisiana. The Service reclassification proposal is based upon the biological status of the species. Louisiana's recent harvest programs have demonstrated no effect on year to year numbers of alligators in areas hunted and therefore are considered to

have no effect on biological status. No data was presented which contradicts this conclusion.

A landowner in Ville Platte, Louisiana, commented that he would like to harvest some alligators from two lakes on his property.

Two public meetings were held at 1 p.m. and 7 p.m. on May 28, 1981, at the Louisiana State University Union Colonnade Room, Baton Rouge, Louisiana. A total of 70 people attended the two meetings. Presentations concerning *Alligator mississippiensis* were made by Service personnel. Statements and questions from the audience were then entertained. The Assistant Secretary, Louisiana Department of Wildlife and Fisheries, noted that the State of Louisiana had proposed reclassification and return of management authority for the alligator in 1976, and that in his opinion the Service should have acted on this proposal long ago. He encouraged the timely adoption of a final rule effecting the proposed change. He then discussed the State's alligator management program and plans for the future in those areas outside the marsh where harvests may be allowed. Service response: Most of the data from which sound biological conclusions could be drawn for non-marsh Louisiana were presented in a 1980 report by Dave Taylor of the Louisiana Department of Wildlife and Fisheries.

Fourteen comments were made at these two public meetings. The only unfavorable comments were made on behalf of the Fund for Animals, Inc. They suggested that the final decision on the proposal should be delayed for 1 year. The Fund found it "unbelievable that the * * * Fish and Wildlife Service is going to take action on such an important issue, based upon data, unchecked by it, which is furnished by the applicant." They further questioned the opening of areas to harvesting in non-marsh areas because of loss of habitat. They concluded that "We believe, and it is the Fund's position, that this proposition is not based on sound data, on verifiable data. We believe that such data should be obtained independently of the applicant before this decision is made." Service response: The Fund for Animals is correct in stating that a large part of the data considered essential to the proposed action was provided by the State of Louisiana. However, Service personnel participated in the gathering and analysis of data and the Service decision to proposed reclassification was based upon its independent review and evaluation of data supplied by the

State of Louisiana. The Service believes these data were collected in a professional manner and provide a scientifically sound and unbiased assessment of alligator status in Louisiana. The question of loss of habitat is discussed in detail below.

The remaining comments supported the proposal. The Commissioner, Louisiana Department of Wildlife and Fisheries; the Director of the National Alligator Association; and representatives of several large landowning corporation as well as several private individuals made comments. However, none of these remaining comments contained data which add to or detract from the Service's assessment of alligator status in Louisiana.

Summary of Status Findings

After a thorough review and consideration of all information available, the Director has determined the status of *Alligator mississippiensis* (American alligator) in 52 parishes in Louisiana, where the species is now classified as Endangered or Threatened, to be Threatened under the Similarity of Appearance provisions of the Endangered Species Act of 1973, as amended.

The Service's listing regulations at 50 CFR 424.11(b) state:

A species shall be listed if the Director determines on the basis of the best scientific and commercial data available to him after conducting a review of the species' status that the species is Endangered or Threatened because of any one or more combinations of the following factors:

(1) The present or threatened destruction, modification, or curtailment of its habitat or range;

Utilization for commercial, sporting, scientific, or educational purposes at levels that detrimentally affect it;

(3) Disease or predation;

(4) Absence of regulatory mechanisms adequate to prevent the decline of a species or degradation of its habitat; and

(5) Other natural or manmade factors affecting its continued existence.

The regulations further state, in 424.11(d), that:

The factors for removing a species from the list are those in paragraph (b) of this section. The data to support such removal must be the best scientific and commercial data available to the Director to substantiate that the species is neither Endangered nor Threatened for one or more of the following reasons:

(1) Extinction. Unless each individual of the listed species was previously identified and located, a sufficient period of time must be allowed before delisting to clearly insure that the species is in fact extinct.

(2) Recovery of the species. The principal goal of the Service is to return listed species to a point at which protection under the Act

is no longer required. A species may be delisted if evidence shows that it is no longer Endangered or Threatened.

(3) Original data for classification in error. Subsequent investigations may produce data that show that the best scientific or commercial data available at the time the species was listed were in error.

These findings are summarized herein under each of the five criteria of 424.11(b). These factors, and their application to the American alligator in Louisiana, are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The total size of alligator populations in the areas which are the subject of this proposal is greatly influenced by the amount of aquatic or wetland habitat available. Examples of these habitat are rivers, bayous, canals, lakes, ponds, marshes, and swamps. The total amount of wetlands in Louisiana, estimated by Chabreck (1980) to be 6,397,272 acres (2,589,988 ha), does not, in total, constitute usable alligator habitat. McNease and Joanen (1978) report that the portion of marshland habitat suitable for alligators is approximately 3.2 million acres (1,295,022 ha) and is made up of fresh, intermediate, and brackish marsh types. Although alligators occur in salinities above 10 parts per thousand, nesting apparently does not occur above this isohaline line (Joanen and McNease, 1972); therefore, the remaining marshlands are not considered as alligator habitat.

Taylor (1980) indicated that in the non-marsh portions of the State, permanently flooded areas with woody and herbaceous cover dominated by bald cypress and tupelo gum apparently produce even higher densities of alligators in many instances than marshland habitats. This cypress-tupelo habitat type is well represented in southeastern Louisiana and in the Atchafalaya Basin, but also includes portions of many natural lakes and man-made reservoirs in the central and northern parts of the State. The estimated 1,500 miles of streams, particularly in middle and northern sections of the State, support alligators only to the extent permitted by the presence of cypress-tupelo oxbows and marshlands associated with the streams. Streams without adjacent permanently inundated cypress-tupelo or marshland habitat areas constitute poor quality habitat and support insignificant alligator numbers. A gross minimum estimation for non-marsh alligator habitat in Louisiana was provided by Taylor (1980) and consists of 803,840 acres (325,309 ha) of cypress-tupelo

associations with permanent water levels, and 1,500 linear miles (932 kilometers) of upland streams.

Frugé (1980) cites recent data gathered by the Service's National Coastal Ecosystems Team that indicate a current loss of marshes of approximately 22,000 acres (9,000 ha) per year due to land loss and deterioration caused by salt water intrusion. The land loss is caused by reduction of sediment and overflow deposition due to levee construction and navigation channel excavation, and salt water intrusion is caused by channel excavation. Chabreck (1980) and MacDonald et al (1979) projected bottomland hardwood habitat losses through the years 2000 and 1995, at 13.1 percent and 24 percent, respectively, but these are not losses of productive alligator habitat. As discussed above, seasonally flooded and unflooded bottomlands do not contain all the necessary features of productive alligator habitat. The cypress-tupelo habitat in permanently flooded areas is not projected to change through the year 1995. The high water table in such areas makes drainage and clearing for agricultural and other uses not feasible in these prime alligator habitat areas.

In summary, marshland alligator habitat is currently being reduced at an estimated rate of only 0.7 percent per year, and the permanently flooded cypress-tupelo association and open water acreages are not projected to change. The statewide estimate of good habitat is approximately 4 million acres of high quality marshland and cypress-tupelo swampland. It is concluded, therefore, that habitat alteration and loss pose no serious threat to alligator populations in Louisiana within the foreseeable future.

2. *Utilization for commercial, sporting, scientific, or educational purposes at levels that detrimentally affect it.* The commercial demand for products from alligators, including hides, teeth, and meat for consumption, is high. This demand and the harvest generated by the demand were responsible for a decline in alligators throughout their range in the early 1960's (with some exceptions such as on sanctuaries and wildlife refuges). This decline was reversed by the following actions: (1) The State of Louisiana closed alligator seasons in 1964; (2) The Lacey Act was amended in 1969 to include control of interstate commerce in reptiles; (3) The Endangered Species Act was passed in 1973. State and Federal authorities vigorously enforced these protective mechanisms.

Taylor (1980) provides evidence that under strict protection, reproductive capability of the species provides for

rapid recovery. Size-class frequencies found in night counts and harvests are not statistically different, suggestive of a stable population. A comparison between size-class frequencies found in non-marsh night counts and hide measurements from harvested areas also shows no statistical difference in population structure. Furthermore, a comparison of population structure, based upon time-specific views from each of the years 1975-80, shows no trend toward shrinkage of adult size-class ratios or increasing adult size-class ratios, either of which would be indicative of populations moving away from stability.

These data indicate alligators in the State are not being detrimentally affected by legal harvests in marshland parishes or illegal taking in marsh or non-marsh areas. Some illegal taking undoubtedly continues to occur, but the Service's law enforcement efforts have reduced this to insignificant levels relative to the total population. The inaccessibility of many non-marsh habitats further helps to protect the species in these areas.

In very restricted areas of high recreational and/or residential use, when human-alligator conflicts continue to be a problem, over-utilization for management purposes may be undertaken to achieve reduction in numbers of larger, more dangerous animals if there is no other viable alternative. Such areas represent an insignificant part of statewide alligator habitat.

3. *Disease or predation.* Alligators suffer various types of disease and predation, as do all wildlife species, but these factors are not excessive and are not known to have hindered alligator recovery.

4. *Absence of existing regulatory mechanisms adequate to prevent the decline of a species or degradation of its habitat.* Existing regulations for protection and management of the alligator include the following State and Federal laws and regulations: (A) Louisiana statutes governing transport of alligator meat and parts; (B) The 1969 Amendments to the Lacey Act which extended Federal law enforcement authority to include interstate movement of reptiles; (C) The Endangered Species Act of 1973, which provides mandatory protection for Endangered alligators; (D) Special Rules promulgated by the Service for Threatened (including Similarity of Appearance) alligators, which govern taking and commerce in alligator products; (E) The annual findings of the Scientific and Management Authority of the Service, which govern the export of species,

including the alligator, listed on Appendix II of the Convention on International Trade in Endangered Species of Wildlife Fauna and Flora (CITES).

The success of efforts by State and Federal agencies to stop illegal activity involving alligators is evidenced by the recovery of populations throughout the State of Louisiana. This example of response to protection is not without precedent. Chabreck's report describes this process as being reported by McIlhenny (1935) on three newly established wildlife refuges that had been previously subjected to excessive harvests.

Controlled harvests have been carried out annually in southwestern Louisiana since 1972, with the exception of 1974 and 1978. Close supervision by the Louisiana Department of Wildlife and Fisheries includes numerous safeguards to keep the alligator harvest within predetermined limits and areas. Within the constraints required by the Service's Special Rules and CITES authorities, the State program is operated along the following guidelines: (1) an annual inventory is conducted to determine population abundance by habitat type within each parish; (2) annual harvest quotas are established based on population abundance by habitat type and parish; (3) harvests are allowed only on lands owned or leased by the hunter; (4) tags are issued upon application by a hunter on a basis of the acreage involved and the predetermined harvest rate for that particular area; (5) all tags are serially numbered, self-locking, and must be accounted for at the end of the season, with one tag issued for each alligator to be harvested; (6) the harvest is conducted in September after incubation is completed; (7) "pole hunting" is prohibited in order to reduce the taking of breeding females in interior marsh habitats; (8) special skinning instructions are issued shortly before the season opens to prohibit previously taken skins from entering commerce; (9) shooting is limited to daytime to facilitate enforcement efforts; (10) at the close of the season all unused tags are collected by State agents, all harvested alligators are inspected, and the tag number and skin size recorded; (11) all hunters, buyers, and dealers must obtain a State license which is subject to annual renewal; (12) all containers used for packaging must be tagged and the contents identified; (13) State enforcement personnel are assigned the task of monitoring the alligator harvest program.

The State is committed under the above-mentioned guidelines and regulations to a similarly regulated program in other areas of the State if it elects to implement further harvest in other portions of the State.

The Service considers those mechanisms adequate at present to protect the alligator population in Louisiana.

5. *Other natural or man-made factors affecting its continued existence.* Although other factors may occasionally have an affect on some alligators—for example freezes and nest flooding—none of these are known to have limited recovery of the alligator in Louisiana nor are they expected to become threatening factors in the future.

References

- Anonymous. 1975. The Louisiana Almanac. Pelican Publishing Company. Gretna, Louisiana.
- Chabreck, R. H. 1980. Status of the American alligator in Louisiana and in Baldwin and Mobile Counties, Alabama. Contract report prepared for the Fish and Wildlife Service.
- Frugé, David W. 1980. Effects of wetland changes of fish and wildlife resources of coastal Louisiana. Paper presented at Freshwater Inflow Symposium, San Antonio, Texas.
- Joanen, T. and Larry McNease. 1978. Population and classification status of the American alligator. Paper presented at I.U.C.N., Survival Service Commission, Crocodile Specialist Group, Madras, India, February 1978.
- MacDonald, P. O., W. E. Frayer, and J. K. Clavser. 1979. Documentation chronology, and future projections of bottomland hardwood habitat loss in the lower Mississippi alluvial plain. Contract report prepared for the Ecological Services Division, U.S. Fish and Wildlife Service.
- McIlhenny, E. A. 1935. The Alligator's Life History. The Christopher Publishing House, Boston, MA.
- McNease, Larry and Ted Joanen. 1978. Distribution and relative abundance of the alligator in Louisiana coastal marshes. Paper presented at 32nd Annual meeting of S.E. Association of Fish and Wildlife Agencies, Hot Springs, Virginia, November 5-8, 1978.
- Taylor, Dave. 1978. An alligator population model and population estimate for north Louisiana. Unpublished report.
- Taylor, Dave. 1980. An alligator population model and associated minimum population estimate for non-marsh alligator habitat in Louisiana. Unpublished report, Louisiana Department of Wildlife and Fisheries.

Note.—All cited references, including unpublished reports, are available in the Service's Jackson Area Office, Jackson, Mississippi.

Effects of the Rule

This rule changes the status of the alligator in Louisiana from its current

status, which is Endangered or Threatened in all but 12 parishes of the State, to a statewide status of Threatened by reason of Similarity of Appearance. It is a formal recognition by the Service of biological recovery of the American alligator in part of its range. This rule results in a removal of Federal agency responsibilities under Section 7 of the Endangered Species Act. No adverse effects on the status of this species are expected to occur from this removal.

This rule makes available to the State the option for expanding alligator harvests from the present 12 parishes to additional areas. If the State elects to expand its alligator program, harvests will increase at a level commensurate with development and implementation of an expanded management program (and may represent 4 percent of the statewide alligator population estimate). The economic value of the alligator resource under a sustained yield scheme will provide economic benefits to Louisiana trappers and others participating in the commercial process. It has been suggested that legalized harvest of alligators will increase their value, thereby encouraging sound management and reducing indiscriminate, illegal killing by those who believe they may be adversely affected by high alligator populations.

Expanded harvests are expected to increase the work loads of the State Department of Wildlife and Fisheries, the Louisiana Department of Health, and the Service's Division of Law Enforcement. Conversely, expanded harvests are expected to reduce the number of nuisance alligator complaints, resulting in a corresponding reduction in manpower commitment devoted to handling nuisance alligators. Local governments involved in catching and removing nuisance alligators will receive some relief if the number of larger, more dangerous alligators are reduced in areas with human-alligator conflicts.

Increased harvest of alligators in Louisiana will create the potential for an increased volume of alligator exports. The Service has previously expressed its concern about the effects of increased exports on other Endangered crocodilians that occur in international trade. International trade in alligator products is presently subject to the restrictions of the Convention of International Trade of Endangered Species of Wild Fauna and Flora, and general wildlife exportation requirements. A recent determination by the Service (October 12, 1980, 45 FR 69844) on this subject concluded that the

export of alligators taken during the 1980-81 season in Florida and the 1980 season in Louisiana would not be detrimental to the survival of the alligator or other Endangered crocodilians. The Service will continue to review this possible impact and will take appropriate action if evidence indicates that restrictions are warranted.

This action is not an irreversible commitment on the part of the Service. The action is reversible and relisting is possible should the State materially change existing management programs or other changes occur which results in new threats to the species' recovery.

The minor boundary change in South Carolina has no significant effect, since it only serves to formalize a 2 mile segment which the Service and the State already are informally using.

Effective Date of This Rule

Because this rule is a substantive rule which grants or recognizes an exemption or relieves a restriction, the Service has determined to make it effective immediately under the authority of 5 U.S.C. 553(d) 1.

National Environmental Policy Act

An Environmental Assessment has been prepared and is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia and in the Jackson, Mississippi, Area Office located at 200 E. Pascagoula Street, Suite 300, Jackson, Mississippi 39201, and may be examined by appointment during regular business hours. This assessment is the basis for a decision that this determination is not a major Federal action that significantly affects the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 and 40 CFR Parts 1500-1508.

Note.—The Department of Interior has determined that this is not a major rule and does not require preparation of a Regulatory Impact Analysis under Executive Order 12291. The Department has also determined, in accordance with the Regulatory Flexibility Act, that this rule will not have a significant economic effect on a substantial number of small entities. While the rule may have an impact on some small entities, that impact is expected to be minimal and beneficial.

Primary Author

The primary author of this rule is Mr. Wendell Neal of the Jackson Area Office, U.S. Fish and Wildlife Service, 200 E. Pascagoula Street, Jackson, Mississippi 39201, FTS 490-4900, or commercial 601/960-4900.

Regulations Promulgation

Accordingly, Part 17, Subchapter B of Chapter 1, Title 50 of the Code of Federal Regulations is amended, as set forth below:

§ 17.11 [Amended]

(h) * * * Reptiles.

1. The authority citation for Part 17 is revised to read as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1241 (16 U.S.C. 1531, *et seq.*).

2. Amend the table in § 17.11(h) by revising the entries of the American alligator under "Reptiles" to read as follows:

| Species | | Historic range | Vertebrate population where endangered or threatened | Status | When listed | Critical habitat | Special rules |
|--------------------------|---|-------------------------|---|-------------|---------------------|------------------|---------------|
| Common name | Scientific name | | | | | | |
| Alligator, American..... | <i>Alligator mississippiensis</i> | Southeastern U.S.A..... | Wherever found in wild except those areas where listed as threatened, as set forth below. | E..... | 1, 11, 51, 60, 111 | NA..... | NA |
| Alligator, American..... | <i>Alligator mississippiensis</i> | Southeastern U.S.A..... | U.S.A. (FL and certain areas of GA, SC, and TX, as set forth in sec. 17.42(a)(1)). | T..... | 20, 47, 51, 60, 111 | NA..... | 17.42(a) |
| Alligator, American..... | <i>Alligator mississippiensis</i> | Southeastern U.S.A..... | U.S.A. (LA)..... | T(S/A)..... | 11, 47, 51, 60, 111 | NA..... | 17.42(a) |
| Alligator, American..... | <i>Alligator mississippiensis</i> | Southeastern U.S.A..... | In captivity wherever found..... | T(S/A)..... | 11, 47, 51, 111 | NA..... | 17.42(a) |

3. Paragraph (a)(1) of § 17.42 is revised to read as follows:

§ 17.42 Special rules—reptiles.

(a) American alligator (*Alligator mississippiensis*). (1) Definitions. For the purposes of this paragraph (a): "American alligator" shall mean any member of the species *Alligator mississippiensis*, whether alive or dead, and any part, product, egg, or offspring thereof occurring: (i) in captivity wherever found; (ii) in the wild wherever the species is listed under 17.11 as Threatened—Similarity of Appearance (T[S/A]); or (iii) in the wild in Florida and in the coastal areas of Georgia, South Carolina, and Texas, contained within the following boundaries: From Winyah Bay near Georgetown; South Carolina, west on U.S. Highway 17 to Georgetown; thence west and south on U.S. Alternate Highway 17 to junction with South Carolina State Highway 63 south of

Walterboro, South Carolina; thence west on State Highway 63 to junction with U.S. Interstate Highway 95; thence south on U.S. Interstate Highway 95 (including incomplete portions) across the South Carolina-Georgia border to junction with U.S. Highway 82 in Liberty County, Georgia; thence southwest on U.S. Highway 82 to junction with U.S. Highway 84 at Waycross, Georgia; thence west on U.S. Highway 84 to the Alabama-Georgia border; thence south along this border to the Florida border and following the Florida border west and south to its termination at the Gulf of Mexico. From the Texas-Louisiana border at the Gulf of Mexico, north along this border to Texas State Highway 12; thence west on State Highway 12 to Vidor, Texas; thence west on U.S. Highway 90 to the Houston, Texas, corporate limits; thence north, west, and south along Houston corporate limits to junction on the west

with U.S. Highway 59; thence south and west on U.S. Highway 59 to Victoria, Texas; thence south on U.S. highway 77 to the corporate limits of Corpus Christi, Texas; thence southeast along the southern Corpus Christi corporate limits to Laguna Madre; thence south along the west shore of Laguna Madre to the Nueces-Kleberg County line; thence east along the Nueces-Kleberg County line to the Gulf of Mexico.

"Buyer" shall mean a person engaged in buying a raw, green, salted, or otherwise untanned hide of an American alligator.

"Tanner" shall mean a person engaged in processing a raw, green, salted, or crusted hide of an American alligator into leather.

Dated: July 22, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-23262 Filed 8-7-81; 8:45 am]

BILLING CODE 4310-55-M